

THE HON'BLE SRI JUSTICE SANJAY KUMAR

-
WRIT PETITION No.12976 OF 2016

ORDER:

The prayer of the petitioner in this case is as under:

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble court may be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the respondent no.2 in considering and disposing of the stay petition filed along with appeal on 12-4-2016 against the orders of eviction dt.28-12-2015 in LTR case no.5/2015/Bym passed by the respondent no.3 received by the petitioner on 14-3-2016 as illegal, arbitrary, and violative of principles of natural justice and consequently direct the respondent no.2 to consider and dispose of the stay petition or appeal itself filed on 12-4-2016 within reasonable time and further direct the respondent no.4 not to dispossess the petitioner from the subject land admeasuring Ac.0-10 gts. in Sy. no. 1047 situated at Bayyaram (V&M) Khammam District and pass such other order or orders which are deem fit and proper in the circumstances of the case.”

As the petitioner has already preferred an appeal against the order dated 28.12.2015 passed in the LTR Case, it is for the appellate authority to consider the stay petition filed therein. However, delay on the part of the appellate authority in taking up such an application would render the appeal itself infructuous in the event the order under appeal is given effect to. The appellate authorities are therefore to be conscious of this aspect of the matter and give due priority to such applications filed in appeals before them.

In that view of the matter, there shall be a direction to the respondent authorities not to give effect to the eviction order dated 28.12.2015 passed in LTR Case No.5/2015/Bym on the file of the Agency Divisional Officer, Kothagudem, Khammam District, pending disposal of the stay application by the appellate authority, the Additional Agent to the Government i.e. Project Officer, ITDA,

Bhadrachalam, in the appeal filed by the petitioner against the said order.

The writ petition is disposed of with the above direction. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

**JUSTICE SANJAY
KUMAR**

19th April, 2016

Note:-

Issue CC in two days.

B/o

PGS/IBL